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31 JAN 2006

Stephen A. Soffen  
Dickstein Shapiro Morin & Oshinsky, LLP  
2101 L Street NW  
Washington, DC 20037-1526

In re Application of :  
BETSON :  
Application No.: 10/505,327 :  
PCT No.: PCT/IE03/00027 : DECISION ON PETITION  
Int. Filing Date: 21 February 2003 :  
Priority Date: 21 February 2002 : UNDER 37 CFR 1.137(b)  
Atty. Docket No.: M0025.0312/P312 :  
For: AN ACTUATOR :

**BACKGROUND**

On 31 March 2005, applicant was mailed a communication informing applicant that the declaration filed 10 February 2005 was not in compliance with 37 CFR 1.497. Applicant was afforded the one month, or the extendable time available from the Form PCT/DO/EO/905 mailed 28 January 2005 to file a compliant oath or declaration.

On 31 August 2005, applicant filed the present response which is being treated as a petition under 37 CFR 1.137(b). As authorized, the \$750.00 petition fee will be charged to deposit account number 04-1073.

**DISCUSSION**

The petition to revive under 37 CFR 1.137(b) filed 31 August 2005 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "Applicant respectfully states that such abandonment was unintentional and hereby petitions to revive the application on that basis" is being interpreted to mean that the entire delay in providing a compliant declaration in response to the Form PCT/DO/EO/905 from the due date for filing a proper reply until the filing of a grantable petition pursuant to this paragraph was unintentional. If this is an incorrect reading of applicant's statement applicant should contact the PCT Legal Office immediately. Applicant's statement and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant declaration executed by the sole inventor. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35

U.S.C. 371 for entry into the national stage in the United States were satisfied with the filing of an executed declaration.

The application has an international filing date of 21 February 2003 under 35 U.S.C. 363 and will be given a date of **31 August 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459